

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
Portland Division

LARRY DEWEESE and HOLLIS
STRICKLAND

3:08-CV-860-JE

Plaintiff,

OPINION AND ORDER

v.

CASCADE GENERAL SHIPYARD,

Defendant.

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On May 9, 2011, Magistrate Judge Jelderks issued a Findings and Recommendation (#96) recommending Defendant's Motion for Summary Judgment (#52) be granted in part and denied in part. The matter is before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

If any party objects to any part of a Magistrate Judge's Findings and Recommendation, the district court must review that part of de novo. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiffs and Defendant filed timely objections to parts of the Findings and Recommendation. On *de novo* review, I concur in each of the Magistrate Judge's Findings and his Recommendation and, therefore, I ADOPT his Findings and Recommendation (#96).

Defendant's Motion for Summary Judgment (#52) is **GRANTED in part** and **DENIED in part** as set forth therein.

IT IS SO ORDERED.

DATED this 1 day of August, 2011.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Court Judge